Response to Amendment

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Dec.

09, 2009 has been entered.

Claims 41-43, 48-69 and 71 are pending for examination. Claim 71 is newly

added.

Telephone Interviews

A telephone interview has been conducted between the applicant's

representative (Ed Tracy) and the examiner (Susan Chen) on 02/23/2010.

During the interview, the examiner indicated that the instant application has non-

statutory double patenting issues with the U.S. Patent No. 6,804,666 and U.S. Patent

No. 7,512,549 and suggested the representative to file terminal disclaimers to overcome

the double patenting problem and further amend the claims to reflect the novelty of

instant invention. In response, the applicant's representative indicated that he will file

the terminal disclaimers as needed and proposed a refined amendment to reflect the

features of his application. In addition, the representative also authorized the examiner

to make examiner's amendment.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Ed Tracy on Feb. 23, 2010.

Amendment:

To the Application received on 12/09/2009 please modify the following:

Claims 1-40 (Canceled).

Claim 41: (Currently Amended) A music [[An]] information processor having a

group of songs contents stored therein, comprising:

a recording unit configured to record the group of songs contents including a

plurality of songs contents, history data indicative of usage history of the songs

contents, and at least two filtering data sets, each of the at least two filtering data sets

defining a filtering criteria as a computation of a weight per each of the <u>songs</u> ~~contents~~

in accordance with a respective filtering criteria;

a filtering criteria setting unit configured to set the filtering data sets based on the

history data input by a user;

a computing unit configured to compute a weight per each of the <u>songs</u> ~~contents~~

based on both the history data and one of the at least two filtering data sets set by the

filtering criteria setting unit;

a selecting unit configured to select a <u>song</u> ~~content~~ from the group of <u>songs</u>

~~contents~~ based on the weight computed by the computing unit and to create at least two

filtering packages which are different combinations of the <u>songs</u> ~~contents~~ from the group

of <u>songs</u> ~~contents~~, each of the at least two filtering packages represents a list of <u>song</u>

~~content~~ identification information identifying the <u>song</u> ~~content~~ selected;

a displaying unit configured to display the group of <u>songs</u> ~~contents~~ and the at least

two filtering packages representing the list including the combinations of the <u>songs</u>

~~contents~~; and

a reproducing unit <u>being</u> configured to reproduce the ~~content~~ <u>song</u> included in [[a]]

<u>one of the</u> filtering package<u>s</u> read from the recording unit if the user selects the <u>song</u>

~~content~~ in the list of the filtering packages,<u> wherein the reproduced song corresponds to</u>

<u>a song being output from a speaker</u>.

Claim 42: (Currently Amended) The music information processor according to claim 41, wherein the computing unit computes per each of the songs contents a weight about a period for which the song content has been checked out.

Claim 43: (Currently Amended) The music information processor according to claim 41, further comprising:

an adding unit configured to add a new filtering data set.

Claims 44-47 (Canceled).

Claim 48: (Currently Amended) A music [[An]] information processor having a group of songs contents recorded therein, comprising:

a recording unit configured to record the group of songs contents including a plurality of songs contents, usage history data indicative of usage history of the songs contents, related data about the group of songs contents, and at least two filtering data sets, each of the at least two filtering data sets defining a filtering criteria as a computation of a weight per each the songs contents in accordance with a respective filtering criteria;

a filtering criteria setting unit configured to set the filtering data sets based on the usage history data input by a user;

a computing unit configured to compute per each of the songs ~~contents~~ a weight based on the usage history data, the related data, and one of the at least two filtering data sets set by the filtering criteria setting unit;

a selecting unit configured to select a song ~~content~~ from the group of songs ~~contents~~ based on the weight computed by the computing unit and to create at least two filtering packages which are different combinations of the songs ~~contents~~ from the group of songs ~~contents~~, each of the at least two filtering packages represents a list of song ~~content~~ identification information identifying the song ~~content~~ selected; and

a displaying unit configured to display the group of songs ~~contents~~ and the at least two filtering packages representing the list including the combinations of the songs ~~contents~~; and

a reproducing unit <u>being</u> configured to reproduce the song ~~content~~ included in [[a]] <u>the</u> filtering package<u>s</u> read from the recording unit if the user selects the song ~~content~~ in the list of the filtering package<u>s, wherein the reproduced song corresponds to a song being output from a speaker</u>.

Claim 49: (Currently Amended) The <u>music</u> information processor according to claim 48, wherein the computing unit computes per each of the songs ~~contents~~ a weight about a period for which the song ~~content~~ has been checked out.

Claim 50: (Currently Amended) The <u>music</u> information processor according to

claim 48, further comprising:

an adding unit configured to add a new filtering data set.

Claim 51: (Currently Amended) The <u>music</u> information processor according to

claim 48, wherein the computing unit computes a weight related to a genre of the <u>song</u>

~~content~~.

Claim 52: (Currently Amended) The <u>music</u> information processor according to

claim 48, wherein the computing unit computes a weight about a playing time of the

<u>song</u> ~~content~~.

Claim 53 (Currently Amended): <u>A music</u> [[An]] information processing method

carried out by an information processor having recorded therein a group of <u>songs</u>

~~contents~~ including a plurality of <u>songs</u> ~~contents~~, usage history data indicative of usage

history of the <u>songs</u> ~~contents~~, and at least two filtering data sets, each of the at least two

filtering data sets defining a filtering criteria as a computation of a weight per each of the

<u>songs</u> ~~contents~~ in accordance with a respective filtering criteria, the method comprising:

computing per each of the <u>songs</u> ~~contents~~ a weight based on both the usage

history data and one of the at least two filtering data sets;

setting the filtering data sets based on the history data input by a user;

selecting a <u>song</u> ~~content~~ from the group of <u>songs</u> ~~contents~~ based on the weight

computed in the computing and creating at least two filtering packages which are

different combinations of the <u>songs</u> ~~contents~~ from the group of <u>songs</u> ~~contents~~, wherein

each of the at least two filtering packages represents a list of <u>song</u> ~~content~~ identification

information identifying the <u>song</u> ~~content~~ selected;

displaying the group of <u>songs</u> ~~contents~~ and the at least two filtering packages

representing the list including the combinations of the <u>songs</u> ~~contents~~; and

reproducing [[the]] a <u>song</u> ~~content~~ included in [[a]] <u>the</u> filtering package<u>s</u> read from

the recording unit if the user selects the <u>song</u> ~~content~~ in the list of the filtering package<u>s,</u>

<u>wherein the reproduced song corresponds to a song being output from a speaker</u>.

Claim 54: (Currently Amended) The method according to claim 53, wherein the

computing computes per each of the <u>songs</u> ~~contents~~ a weight about a period for which

the <u>song</u> ~~content~~ has been checked out.

Claim 55:(Currently Amended) <u>A music</u> [[An]] information processing method

carried out by an information processor having recorded therein a group of <u>songs</u>

~~contents~~ including a plurality of <u>songs</u> ~~contents~~, history data indicative of usage history

of the <u>songs</u> ~~contents~~, and at least two filtering data sets, each of the at least two

filtering data sets defining a filtering criteria as computation of a weight per each of the

~~songs~~ ~~contents~~ in accordance with a respective filtering criteria, the method comprising:

computing per each of the ~~songs~~ ~~contents~~ a weight based on the history data,

related data about a group of ~~songs~~ ~~contents~~, and one of the at least two filtering data

sets;

setting the filtering data sets based on the history data input by a user;

selecting a ~~song~~ ~~content~~ from the group of ~~songs~~ ~~contents~~ based on the weight

computed in the computing and creating at least two filtering packages which are

different combinations of the ~~songs~~ ~~contents~~ from the group of ~~songs~~ ~~contents~~, wherein

each of the at least two filtering packages represents a list of ~~song~~ ~~content~~ identification

information identifying the ~~song~~ ~~content~~ selected;

displaying the group of ~~songs~~ ~~contents~~ and the at least two filtering packages

representing the list including the combinations of the ~~songs~~ ~~contents~~; and

reproducing [[the]] a song ~~content~~ included in [[a]] the filtering package_s_ read from

the recording unit if the user selects the ~~song~~ ~~content~~ in the list of the filtering package_s,_

wherein the reproduced song corresponds to a song being output from a speaker.

Claim 56:(Currently Amended) The method according to claim 55, wherein the

computing computes per each of the ~~songs~~ ~~contents~~ a weight about a period for which

the ~~song~~ ~~content~~ has been checked out.

Claim 57:(Previously Amended) The method according to claim 55, further

comprising:

adding a new filtering data set.

Claim 58: (Currently Amended) The method according to claim 55, wherein the

computing computes a weight related to a genre of the song ~~content~~.

Claim 59: (Currently Amended) The method according to claim 55, wherein the

computing computes a weight about a playing time of the song ~~content~~.

Claim 60: (Currently Amended) A program storage medium having recorded

therein an information processing program for use in an information processor having

recorded therein a group of songs ~~contents~~ including a plurality of songs ~~contents~~,

usage history data indicative of usage history of the songs ~~contents~~, and at least two

filtering data sets, each of the at least two filtering data sets defining a filtering criteria as

a computation of a weight per each of the songs ~~contents~~ in accordance with a

respective filtering criteria, the program comprising:

computing per each of the songs ~~contents~~ a weight based on both the usage

history data and one of the at least two filtering data sets;

setting the filtering data sets based on the history data input by a user;

selecting a <u>song</u> <s>content</s> from the group of <u>songs</u> <s>contents</s> based on the weight

computed in the computing and creating at least two filtering packages which are

different combinations of the <u>songs</u> <s>contents</s> from the group of <u>songs</u> <s>contents</s>, wherein

each of the at least two filtering packages represents a list of <u>song</u> <s>content</s> identification

information identifying the <u>song</u> <s>content</s> selected;

displaying the group of <u>songs</u> <s>contents</s> and the at least two filtering packages

representing the list including the combinations of the <u>songs</u> <s>contents</s>; and

reproducing [[the]] <u>a song</u> <s>content</s> included in [[a]] the filtering packages read from

the recording unit if the user selects the <u>song</u> <s>content</s> in the list of the filtering package<u>s,</u>

<u>wherein the reproduced song corresponds to a song being output from a speaker</u>.

Claim 61: (Currently Amended) The medium according to claim 60, wherein the

computing computes per each of the <u>songs</u> <s>contents</s> a weight about a period for which

the <u>song</u> <s>content</s> has been checked out.

Claim 62: (Currently Amended) A program storage medium having recorded

therein an information processing program for use in an information processor having

recorded therein a group of <u>songs</u> <s>contents</s> including a plurality of <u>songs</u> <s>contents</s>,

history data indicative of usage history of the <u>songs</u> <s>contents</s>, and at least two filtering

data sets, each of the at least two filtering data sets defining a filtering criteria as a

computation of a weight per each of the songs ~~contents~~ in accordance with a respective

filtering criteria, the program comprising:

computing per each of the songs ~~contents~~ a weight based on the history data,

related data, and one of the at least two filtering data sets;

setting the filtering data sets based on the history data input by a user;

selecting a song ~~content~~ from the group of songs ~~contents~~ based on the weight

computed in the computing and creating at least two filtering packages which are

different combinations of the songs ~~contents~~ from the group of songs ~~contents~~, wherein

each of the at least two filtering packages represents a list of song ~~content~~ identification

information identifying the song ~~content~~ selected;

displaying the group of songs ~~contents~~ and the at least two filtering packages

representing the list including the combinations of the songs ~~contents~~; and

reproducing [[the]] a song ~~content~~ included in [[a]] the filtering packages read from

the recording unit if the user selects the song ~~content~~ in the list of the filtering packages,

wherein the reproduced song corresponds to a song being output from a speaker.

Claim 63: (Currently Amended) The medium according to claim 62, wherein the

computing computes per each of the songs ~~contents~~ a weight about a period for which

the song ~~content~~ has been checked out.

Claim 64: (Previously Amended) The medium according to claim 62, further

comprising:

adding a new filtering data set.

Claim 65: (Currently Amended) The medium according to claim 62, wherein the

computing computes a weight related to a genre of the song ~~content~~.

Claim 66: (Currently Amended) The medium according to claim 62, wherein the

computing computes a weight about a playing time of the song ~~content~~.

Claim 67: (Canceled)

Claim 68: (Canceled)

Claim 69: (Currently Amended) The music information processor according to

claim 41, wherein the recording unit is configured to store the filtering data in a filtering

file, and is further configured to change the filtering data in the filtering file to the values

input by the user.

Claims 70-71 (Canceled).

Terminal Disclaimer

The terminal disclaimer filed on 02/22/2010 disclaiming the terminal portion of

any patent granted on this application which would extend beyond the expiration date of

U.S. Patent No. 6,804,666 and U.S. Patent No. 7,512,549 has been reviewed and is

accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

Claims 41-43, 48-66 and 69 are allowed.

The following is a statement of reasons for the indication of allowable subject

matter:

Claims 41, 48, 53, 55, 60 and 62, are allowable because the prior art on record

or that encountered in searching for the invention, failed to disclose or suggest the

features of instant invention – " a music information processor with a song recording

unit, filtering unit, weight computing unit, selection unit, display unit and reproducing unit

that allows a user to recreate a song selected from the list of claimed filtering packages,

wherein the reproduced song corresponds to a song being output from a speaker" in a

combination as claimed by applicant.

Claims 42-43, 49-52, 54, 56-59, 61, 63-66 and 69 are respectively depend on

claims 41, 48, 53, 55, 60 and 62 therefore are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN Y. CHEN whose telephone number is (571)272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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February 25, 2010

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